

S  
320.8  
C18PLG  
1996

RECEIVED

MAY 6 1996

COMMUNITY  
LOCAL GOVERNMENT  
SERVICES BUREAU

1994-1996

PINESDALE LOCAL GOVERNMENT STUDY  
COMMISSION

FINAL REPORT





# MONTANA DEPARTMENT OF COMMERCE

Local Government Assistance Division  
Local Government Services-Systems Program  
1424 9th Avenue PO Box 200501  
Helena, MT 59620-0501

Phone: (406) 444-3010  
FAX: (406) 444-9785  
TDD: (406) 444-2978

November 6, 1996

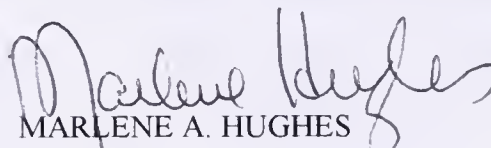
Mr. Harold Chambers  
Montana State Library  
1515 E. Sixth Avenue  
PO Box 201800  
Helena, MT 59620-1800

Mr. Chambers:

In accordance with Section 7-3-187, MCA, local government study commissions are to file two copies of their final report with the department of commerce, local government services bureau. One of these copies is to be forwarded by the department of commerce to the state library.

Enclosed you will find the **final** copy of the Town of Pinesdale's decision regarding the 1994 study commission.

Sincerely,

  
MARLENE A. HUGHES  
Program Specialist  
444-1458

Enclosure

STATE DOCUMENTS COLLECTION

JUL 28 2004

MONTANA STATE LIBRARY  
1515 E. 6th Ave.  
HELENA, MONTANA 59601



# PINESDALE LOCAL STUDY COMMISSION

## TABLE OF CONTENTS

- I. LETTER TO THE CITIZENS OF PINESDALE
  - II. SUMMARY OF RECOMMENDATIONS
    - A. Findings of the Study Commission
    - B. Key Provisions of the Proposed Form
      - 1. Self-government Powers
      - 2. Restructuring of Legislative and Administrative Functions
      - 3. Administrative Officers
      - 4. Representation
  - III. COMPARISON CHARTS OF EXISTING FORM OF GOVERNMENT AND PROPOSED FORM OF GOVERNMENT
    - Comparison of Specific Characteristics of the Present Form compared to the Proposed Form with evaluative comments on each characteristic.
- APPENDIX
- Exhibit A: Certificate of plan of existing form of government
  - Exhibit B: Certificate of plan of proposed form of government
  - Exhibit C: Certificate establishing election date
  - Exhibit D: Certificate establishing form of ballot
  - Exhibit E: Certificate establishing date of election of officers of new government if proposal is adopted, and establishing the effective date of the proposal if approved



# I. LETTER TO THE CITIZENS OF THE TOWN OF PINESDALE, MONTANA

23 Aug 1996

To the Citizens of the Town of Pinesdale:

The Pinesdale Town Study Commission elected by the voters on November 8, 1994 present this final report to the citizens of the Town of Pinesdale.

The purpose of the study commission, as defined in state law, is "to study the existing form and powers of a local government and procedures for delivery of local government services and compare them with other forms available under the laws of the state". After completing these two phases of the study it is the responsibility of the study commission to submit a final report recommending no change or propose an amendment to the existing form of government or offer an alternative form of government to the qualified electors.

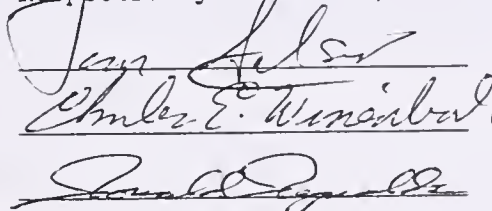
In the conduct of their review the study commission has sought advice and information from a number of people in the community, the Study Commission Handbook, the state of Massachusetts, the town of Bolton, Massachusetts, and the Government Studies Department of the University of Montana. Opinions and recommendations were solicited from local government officials and citizens. All meetings of the study commission were open to the public. Commission members appeared before the members of the community to explain the work of the commission and also hear the viewpoints, ideas, and concerns of those present. Public hearings were held; a survey of citizen attitudes was made.

Our recommendations reflect the thoughts and opinions of those who participated in public hearings, those who attended our regular meetings, and those who responded to a survey, in addition to the independent efforts of this study commission.

In this final report we present our recommendations for an alternative form of government that we feel will provide the governmental services expected by the people both today and in the future. Our concern has been to provide a form of government that will be responsive to local citizens and provide the opportunity for devising solutions to local problems. We feel the citizens of the Town of Pinesdale can achieve these goals by adopting a Charter Town Meeting form with self-government powers.

The question of adopting this alternative form of government will be place on the ballot November 5, 1996. We solicit you support for its adoption.

Respectfully submitted,

Three handwritten signatures are stacked vertically. The top signature is in cursive and appears to read 'Jay L. ...'. The middle signature is in cursive and appears to read 'Charles E. Wainwright'. The bottom signature is in cursive and appears to read 'Donald ...'.

Town of Pinesdale Study Commissioners





## II. SUMMARY OF RECOMMENDATIONS

The Town of Pinesdale Local Government Study Commission thoroughly studied our present form of town government and the alternative forms of government available to towns under state law, and having studied the future governmental needs of the town, recommends the following:

The Town of Pinesdale should adopt, effective March 1, 1997, a Chartered Town Meeting form of government with self-government powers.

### A. Findings of the Study Commission

After an intensive study of almost two years, it is the decision of the study commission to recommend changes in the structure and power of the town governmental framework to meet the changing needs of this town. Problem areas that were identified during the course of the study by research, discussion, public hearings, testimony of public officials, and citizen survey indicate that in exercising its traditional functions, the town government lacks input and participation of the qualified voters. If the town government is to play a wider role it must have adequate legal authority to act; it must also have more control over its organizational structure so that it can act effectively and oversee the performance of town functions.

The "traditional" form of town government is a form granted by the 1972 Montana State Constitution. The form still reflects its "traditional" role as an administrative arm of the state government in its organizational structure. Its duties are detailed in state law, and its authority to deal with local problems is limited.

The needs of the town have changed. There is an ever increasing cost in operating the town and a desire for the electorate to have a greater direct say in finances and the management of town affairs. To effectively respond to these growing needs and desires, the town should modify its structure and authority. The study commission also believes that a separation of administrative functions is needed to provide "checks and balances" in town government.

Other areas of concern also emerged during the course of the study which affected the study commission's choice of an alternative form. Citizen response to the survey which was conducted, and testimony at the public hearing, indicated that citizens are concerned about local decisions not being made at the local level, about the quality of services (especially roads), about the level of taxes, and about the lack of leadership and citizen participation in town government. These frustrations and expectations of citizens and local officials alike, in addition to the changing role of town government, and growing needs of the town, led the study commission to identify five basic goals:

1. Local control over local problems;
2. Government that is responsive to citizens;



3. Government that is efficient;
4. A government structure that allows maximum participation by citizens;
5. A government structure with adequate "checks and balances".

In an attempt to achieve these goals, the study commission has recommended a Chartered Town Meeting form of government with self-government powers.

## B. Key Provisions of the Proposed Form

### 1. Self-Government Powers

Under the 1972 State Constitution, the potential power and authority of local government has been changed. Traditionally, the power over governmental concerns of the town has been the prerogative of the state legislature. The legislature decided what town government should do and how it should do it.

The new constitution provides the "self-government powers" can be adopted by towns along with an alternative form of government. The adoption of self-government powers would alter the traditional relationship between the state and the town. Certain areas of control would be transferred from the state legislature to the town government. Some decisions that are now made on a state-wide basis by the legislature could be made at the town level. State-wide uniformity, while still mandated in certain areas, could be replaced in other areas with procedures tailored to the particular needs of our town. Self-government powers would mean greater flexibility in shaping our governmental structure, greater power to solve our own problems, and more responsibility to recognize and deal with these problems.

### 2. Restructuring of Legislative and Administrative Functions

In its traditional role as a representative type of government, the organizational structure of the town may have been adequate. This structure of an elected mayor elected at large and six councilmen elected by three different wards has weaknesses that do not allow adequate input and control by the electorate in meeting the citizen's needs, priorities, and policies.

In the proposed form of government the qualified electors will act as the legislative body with power to formulate town policy. The electors will have authority to enact ordinances to carry out that policy. The responsibility of administering and enforcing these ordinances lies with the board of selectmen.

### 3. Administrative Officers

The board of selectmen are responsible for the administration of



the the programs and policies determined by the town meeting. Subject to the town meeting's direction, the board of selectmen controls the hiring and firing of town personnel, directs and supervises the administration of all departments except the police department and fire department, prepares the budget, and is in charge of the business affairs of town government. The board of selectmen serve at the pleasure of the town meeting and may be replaced at any time.

### 3. Representation

Creating a town meeting will provide a legislative body representing the interests of all the qualified electors in direct control of local government.



CHARACTERISTIC	PRESENT FORM OF GOVERNMENT	PROPOSED FORM OF GOVERNMENT	EVALUATIVE COMMENTS
FORM	Council-Mayor with General Government Powers as permitted by statute of the Montana State Legislature. (MCA 7-3-201)	Charter with Self-Government Powers (MCA 7-3-701)	Provides procedures permitting a local government unit to frame, adopt, amend, revise, or abandon a self-government charter with the approval of a majority of those voting on the question. The procedures shall not require approval of a charter by a legislative body. Charter provisions establishing executive, legislative, and administrative structure and organization are superior to statutory provisions.
Executive	Mayor who acts as chief executive officer and is responsible to the town council for the administration of all local government affairs placed in his charge by law, ordinance, or resolution.	Board of Selectmen (One of the members of the board is chosen by the board members as the chairman). Individual members will be responsible for different departments of the town but one selectman presides as chairman.	Separation of executive powers. The responsibility of conducting the affairs of the town in a prudent manner reside in the elected Board of Selectmen. Continuation in office of all board members is subject to vote of the annual Town Meeting.
Legislative	Town Council consisting of two council members elected by the qualified electors from each individual ward.	Town Meeting Consists of an assembly of the qualified electors of a town.	Provides for all qualified electors to participate in the annual legislative process. All legislative powers of the town are vested in the town meeting. The town may enact rules, resolutions, ordinances and can sustain or remove all elected or appointed officers at the annual Town Meeting.
Oversight Committee	None	A Permanent Advisory Board consisting of six members elected at the annual Town Meeting.	A committee is selected to act in the capacity as counsellors to the Board of Selectmen and as a liaison between the executive and legislative branches of the local government body.





TOWN OF PINESDALE  
COMPARISON OF SPECIFIC CHARACTERISTICS

PAGE 2

CHARACTERISTIC	PRESENT FORM OF GOVERNMENT	PROPOSED FORM OF GOVERNMENT	EVALUATIVE COMMENTS
FORM	Council-Mayor with General Government Powers. Consists of an elected council having two representatives from each ward and one elected executive who is elected at-large. The mayor shall be responsible to the council.	Charter with Self-Government Powers	Provides procedures permitting a local government unit to frame, adopt, amend, revise, or abandon a self-government charter with the approval of a majority of those voting on the question.
Duties of Chief Executive or Executives	Mayors' duties MCA (7-3-203) 1. Shall be responsible to the town council for the administration and enforcement of all government affairs placed in his charge by the law, ordinance, or resolution. 2. Carry out policies established by the town council; 3. Recommend measures to the town council; 4. Report to the town council on the affairs and financial condition of the local government; 5. Execute bonds, notes, contracts, and written obligations of the town council, subject to the approval of the town council; 6. Report to the town council as the town council may require; 7. Attend town council meetings and may take part in discussions; 8. Execute the budget adopted by the town council; 9. Appoint, with the consent of the town council, all members of boards; except the executive may appoint without the consent of the town council temporary advisory committees established by the mayor.	Board of Selectmen's Duties DUTIES SPELLED OUT IN THE CHARTER. Members are responsible to the electors for the administration of all local government affairs. 1. Enforce laws, ordinances, and resolutions; 2. Perform duties required by law, ordinance or resolution; 3. Administer the affairs of the town; 4. Prepare the town meeting agenda; 5. Attend all annual and special town meetings; 6. Recommend measures to the town meeting; 7. Report to the town on the affairs and financial condition of the town; 8. Execute bonds, notes, contracts, and written obligations of the town, subject to the approval of the town; 9. Appoint, with the consent of the town meeting, members of all boards except the advisory board and appoint and remove all employees of the town except the chief of police, fire chief and his advisors; 10. Prepare the budget and present it to the town meeting for adoption; 11. Exercise control and supervision of all departments and boards except the police department, the fire department, the judicial department, and the advisory board; 12. Meet monthly with Advisory Board and carry out the policies established by the town meeting.	Provides for control of local government and maximum participation by legislative body in the affairs of the local government.



## THE EXISTING FORM OF GOVERNMENT

## FOR

## THE TOWN OF PINESDALE

The present government of the Town of Pinesdale is organized under the following provisions of Section MCA 7-3-201 through 7-3-224.

7-3-201. Commission-executive form. The commission-executive form (which may be called the council-executive, the council-mayor or the commission-mayor form) consists of an elected commission (which may be referred to as the council) and one elected executive (who may be referred to as the mayor) who is elected at large.

7-3-202. Nature of government. The plan of government submitted to the qualified electors shall determine the powers of the local government unit by authorizing general government powers.

7-3-203. Duties of executive. The executive shall:

- (1) enforce laws, ordinances, and resolutions;
- (2) perform duties required of him by law, ordinance or resolution;
- (3) administer affairs of the local government;
- (4) carry out policies established by the commission;
- (5) recommend measures to the commission;
- (6) report to the commission on the affairs and financial condition of the local government;

(7) execute bonds, notes, contracts and written obligations of the commission, subject to the approval of the commission;

(8) report to the commission as the commission may require;

(9) attend commission meetings and may take part in discussions

(10) execute the budget adopted by the commission;

(11) appoint, with consent of the commission, all members of boards; except the executive may appoint without consent of the commission temporary advisory committees established by the executive.

7-3-211. Structural Suboptions. The plan of government submitted to the qualified electors shall further define the structural characteristics of the form by including one item from each of the choices listed in 7-3-212 through 7-3-224.

7-3-212. Administrative Assistants. The executive may appoint one or more administrative assistants to assist him in the supervision and operation of the local government, and such administrative assistants shall be answerable solely to the executive.

7-3-213. Supervision of Personnel. The executive may appoint and remove, with the consent of a majority of the commission, all department heads and remove all other employees of the local government.

7-3-214. Veto Power. The executive may sign all ordinances and resolutions with no veto power.

7-3-215. Preparation of Budget. The executive may prepare the budget in consultation with the commission and department heads.

7-3-216. Administrative Supervision and Control. The executive may exercise control and supervision of all departments and boards to the degree authorized by ordinance of the commission.

7-3-217. Financial Officer. A financial officer (who may be called the treasurer) may, at the discretion of the commission, be selected as provided by ordinance.

7-3-218. Selection of Commission Members. The commission shall be elected by districts in which candidates must reside and which are apportioned by population.

7-3-219. Type of Selection. Local government elections shall be conducted on a nonpartisan basis.

7-3-220. Chairman of Commission. The commission shall have a chairman who shall be



elected by the members of the commission from their own number for a term established by ordinance.

7-3-221. Presiding Officer of Commission. The presiding officer of the commission shall be the executive, who shall decide all tie votes of the commission but shall have no other vote (the chairman of the commission shall preside if the executive is absent).

7-3-222. Terms of Commission Members. Commission members shall be elected for overlapping terms of office.

7-3-223. Size of Commission and Community Councils. The size of the commission, which shall be a number not less than three, shall be established when the form is adopted by the voters, and community councils to advise the commissioners may be authorized by ordinance.

7-3-224. Terms of Elected Officials. The term of office of elected officials may not exceed 4 years and shall be established when the form is adopted by the voters.

We, the Study Commissioners of the Town of Pinesdale do hereby certify this is the existing plan of the local government of the Town of Pinesdale as previously approved by the voters of the Town of Pinesdale.

In testimony whereof, we set our hands.

Done at Hamilton this 8<sup>th</sup> day of 1996.

ATTEST: Betty T. Lund  
CLERK & RECORDER  
OF  
RAVALLI COUNTY

Tom Dwyer  
Charles E. Wrenn  
Donald R. Gault

LOCAL GOVERNMENT STUDY COMMISSIONERS





CERTIFICATE  
ESTABLISHING THE PROPOSED PLAN OF GOVERNMENT  
FOR  
THE TOWN OF PINESDALE

Upon approval of the majority of voters, the government of the Town of Pinesdale shall be organized under the following provisions of Section MCA 7-4-701 through 7-4-709 and Article XI, section 5(1), of the Montana State Constitution.

TOWN OF PINESDALE CHARTER

We the citizens of the Town of Pinesdale, for the purpose of establishing a government based on a just form of fundamental law; one that is responsible to the public for providing equal and adequate services and protections, with efficient use of the community's revenue for all: one that provides for self-governing powers with respect to health, safety, and welfare of every citizen; and one that utilizes the utmost flexibility to represent the citizen's desires and to plan for the future relying upon the spirit of cooperation and voluntarism — do establish this Charter form of government with self-government powers for the Town of Pinesdale, in accordance with the Constitution of the State of Montana, the Constitution of the United States of America and the laws of the Lord God Almighty who created the heavens and the earth and holds the destiny of all peoples, nations, and governments in His hands.

ARTICLE I: Powers of the Town

Section 1.01 Powers of the Town. The town shall have all powers possible for a self-government town under the Constitution and laws of this state as fully and completely as though they were specifically enumerated in this charter.

Section 1.02 Construction. The powers of the town under this charter shall be construed liberally in favor of the town, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power stated in this article. Every reasonable doubt as to the existence of a local government power or authority shall be resolved in favor of the existence of that power or authority (MCA 7-1-106).

ARTICLE II: Town Boundaries

Section 2.01. The incorporated boundaries of the Town of Pinesdale, Montana shall remain fixed and established as they exist on the date this charter takes effect, provided that the town shall have the power to change its boundaries in the manner provided by law.

ARTICLE III: Town Meeting And Legislation

Section 3.01 The legislative powers of the town shall vest in a town meeting, an assembly of the qualified electors of the town. A town meeting may enact rules, resolutions, and ordinances.

Section 3.02 The annual town meeting shall convene on the first Saturday of March. It shall be held in conjunction with a potluck dinner and picnic.

Section 3.02.1 Special town meetings may be called by the town selectmen or may be called by the electors upon petition of 10% of the qualified electors of the town, but in no case by less than 10 qualified electors.

Section 3.03 All qualified electors of the town may attend the town meeting, take part in the discussion, and vote on all matters coming before the town meeting. Others may attend but shall not vote but may take part in the discussion only by the approval of a majority vote of the town meeting.

Section 3.04 A quorum shall consist of a least 10% of the qualified electors of the town.





Section 3.05 The selection of town officials shall be nonpartisan and shall be by a plurality of those qualified electors present and voting. All other voting in the town meeting shall be by a simple majority of those qualified electors present and voting.

Section 3.06 Selection of officials shall be by secret ballot. Other voting shall be by secret ballot upon the request of at least five members of the town meeting.

Section 3.07 Meeting Warrant. A warrant (agenda) of the town meeting and a list of all elective and appointive offices to be filled shall be prepared by the town selectmen, who shall post notice at least 2 weeks prior to the convening of all annual and special town meetings. Upon written petition of at least 10% of the qualified electors of the town but not less than 10 qualified electors, the town selectmen shall insert a particular item or items in the agenda for the next annual or special town meeting. The town meeting agenda may include an item entitled "other business" under which any matter may be considered by the town meeting, except no matter dealing with finance or taxation shall be considered "other business".

Section 3.08 Town meeting moderator. The town annual meeting shall elect a town meeting moderator for a term of one year beginning at that annual meeting,

(a) who shall be the presiding officer of all annual and special town meetings but who shall have no other governmental powers.

(b) who shall have the authority to have the constable remove anyone from the meeting who uses foul or abusive language or is violent in their conduct and have them restrained outside of the meeting place until the meeting is concluded.

Section 3.09 Permanent Advisory Board. Two members of the six-member advisory board shall be selected from among the qualified electors at the annual town meeting to serve a three year term to fill each expired vacancies in the advisory board. The board may:

1. meet each month with the selectmen to review the progress of the operations of the town in fulfilling the guidelines established at the annual town meeting and any special town meetings following the annual town meeting
2. assist in preparing the annual town budget,
3. help each department in an advisory capacity,
4. advise the selectmen, and
5. make recommendations to the town meeting for each year by way of the warrant.
6. The advisory board shall canvas the town for at least two candidates to be voted on to fill the expired office of the selectman at the annual town meeting.

7. Members of the advisory committee shall not hold any other political office in the town.

Section 3.10 The town meeting chaplain. The town meeting shall elect a town meeting chaplain who shall:

- (a) open each town meeting with prayer or ask someone to pray,
- (b) administer the oath of office to new officers,
- (c) have power to temporarily stop a discussion and ask for comments on the moral and ethical aspects of the issue being discussed, and,
- (d) have authority to interrupt any and all heated discussions and ask for a moment of silence.

#### ARTICLE IV: Executive. Selectmen: Selection, role and executive duties.

Section 4.01 The selection of selectmen. The town meeting shall at each annual meeting select one selectman for a term of three years to fill the expired term of a selectman.

Section 4.01.1 An unexpired term of a selectman shall be temporarily filled by the appointment of a successor by the advisory board until the next annual or special meeting.

Section 4.02 The chairman of the Board of Selectmen. The selectmen shall choose one of their members to act as chairman of the board of the Board of Selectmen.

Section 4.03 The duties of the selectmen. The selectmen shall:

- (a) enforce laws, ordinances, and resolutions;



- (b) perform duties required by them by law, ordinance, or resolution;
- (c) administer the affairs of the town;
- (d) prepare the town meeting warrant (meeting agenda);
- (e) attend all annual and special town meetings;
- (f) recommend measures to the town meeting;
- (g) report to the town on the affairs and financial condition of the town;
- (h) execute bonds, notes contracts, and written obligations of the town, subject to the approval of the town;
- (i) appoint, with the consent of the town meeting, members of departments and appoint and remove all employees of the town;
- (j) prepare the budget and present it to the town meeting for adoption;
- (k) exercise control and supervision of all employees and the administration of all departments and boards; and
- (l) carry out policies established by the town meeting;

Section 4.04 Compensation of the selectmen. Compensation of the town selectmen shall be \$1.00 per year as established at the annual town meeting by ordinance but shall not be reduced during the current term of the selectmen. Any increase shall be by approval of the electors at the annual town meeting.

#### ARTICLE V: Administration and Finance

Section 5.01 Committees. The selectmen may establish temporary committees to advise them.

Section 5.02 Departments. The selectmen shall establish departments, and shall appoint and may remove department heads (except the police department and the fire department) to assist them in the supervision and operation of the town government.

(1) All department heads shall be answerable solely to the board of selectmen in the operation of their departments.

(2) All department heads shall choose two assistants to assist in the operation of their departments.

(3) Any department by-laws shall not conflict with the provisions of this charter.

Section 5.03 Law Enforcement. The chief of police. The chief of police shall be elected to a term of four years by the electors at the annual town meeting. Any vacancy during the unexpired term of office of chief of police shall be filled by a temporary appointment by the Advisory Board until a special town meeting or the annual town meeting is held.

Section 5.04 Fire Department. The members of the volunteer fire department shall nominate the fire chief as department head and his two assistants from the roster of the members of the fire department. The Board of Selectmen shall confirm this nomination.

Section 5.05 The Town Judges. The town judge or judges shall be elected for a term of four years at the annual town meeting as prescribed by Montana state law (MCA 3-6-202, 3-1-1502, 3-1-1503). The unexpired term of a town judge can be filled at the annual town meeting or special town meeting.

#### Section 5.06 Salaries And Financial Administration.

1. The town clerk/treasurer shall be selected at the annual town meeting from a recommendation by the Advisory Board.

2. Compensation for any town employee shall be established annually at the annual town meeting.

3. All financial transactions shall be signed by both the chairman of the selectmen and the town clerk/treasurer.

4. Any borrowed money exceeding a \$5000.00 emergency borrowing limit shall be voted on at the annual town meeting or a special town meeting.

5. All department finances shall be administered by the Board of Selectmen and an accounting made to the clerk/treasurer.





Section 5.07 Local Taxation. All actions on local taxes shall occur only at the annual town meeting and are subject to approval by a two thirds majority of the qualified electors.

#### ARTICLE VI: General Provisions

Section 6.01 Removal Of Elected And Appointed Officials. Procedures and grounds of removal (MCA 7-3-705).

1. The office of an elected or appointed official shall become vacant upon his death, resignation, removal from office in any manner authorized by law, or forfeiture of his office.
2. A elected official shall forfeit his office if he loses his eligibility for election to his office as a elected official.
3. An elected or appointed official shall forfeit his office if he:
  - (a) violates any express prohibition of this charter;
  - (b) is convicted of a felony or other offense involving moral turpitude;
  - (c) without notifying the other members of a board or committee, fails to attend two consecutive regularly scheduled meetings.
4. The Advisory Board shall be the judge of the grounds of forfeiture of the office of an elected or appointed official.
5. Any official charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand and notice of such hearing shall be published in a manner consistent with state law.

Section 6.02 Responsibility of citizens of the town. The cooperation and assistance of citizens. All citizens are expected to help where needed to assist in town projects where volunteer labor will aid in easing the financial burden on the administration of town government.

Section 6.03 The Town Meeting shall have power to frame, adopt, and revise the provisions of this charter as provided by Montana state law (MCA 7-3-103).

Section 6.04 If any provision of this charter is held invalid, the other provisions of this charter shall not be affected thereby. If the person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

#### ARTICLE VII: Transitional Provisions

Section 7.01 The ordinances and agreements in effect under the previous form of government shall remain in effect until repealed or amended in the manner provided by law. MCA 7-3-106

Section 7.02 Agenda and conduct of initial town meeting. The first agenda of the first town meeting following the adoption of this charter shall be established by the local study commission. At that town meeting the chairman of the local study commission shall preside over the town meeting until the election of the town moderator, after which the moderator of the town meeting shall preside.

Section 7.03 The selection of selectmen. The town meeting shall at the first annual meeting elect one selectman for one year, one selectman for two years, and one selectman for three years and thereafter shall elect one each year for a term of three years. Upon the election and qualification of the selectmen at such annual meeting, and upon the appointment and qualification by oath of the officers herein authorized to perform the duties of any existing town board or officers, the term of the office of such existing board or officers shall thereupon terminate, and all the duties, powers and obligations of said boards and officers shall be transferred to and imposed upon their successors.

Section 7.04 Permanent Advisory Board. An advisory board consisting of six qualified electors of the town shall be selected at the first town meeting (two to serve one year, two to serve two years, and two to serve three years).

Section 7.05 General Transition. Transition to this charter form of government shall be as prescribed by state law. The local study commission may provide for such transition



by ordinance, rule, or resolution not inconsistent with state law. The provisions of this transition article shall not be published as part of the charter after the year 1997.

We, the Study Commissioners of the Town of Pinesdale do hereby certify these are the dates of the election of the officers and the effective date of the alternative plan of local government of the Town of Pinesdale approved by the Study Commissioners of the Town of Pinesdale.

In testimony whereof, we set our hands.

Done at Hawthorn this 8<sup>th</sup> day of 1996.

*[Signature]*  
*Charles E. Warrick*  
*[Signature]*

LOCAL GOVERNMENT STUDY COMMISSIONERS

SEAL

ATTEST: *Letty T. Lunsd*  
CLERK & RECORDER  
OF  
RAVALLI COUNTY





Exhibit C

CERTIFICATE

ESTABLISHING THE DATE OF THE SPECIAL ELECTION  
AT WHICH THE ALTERNATIVE FORM OF GOVERNMENT  
SHALL BE PRESENTED TO THE ELECTORS  
OF THE TOWN OF PINESDALE

The alternative form of government proposed by the Local Government Study Commission shall be submitted to the voters of the Town of Pinesdale at a special election to be held with the general election on November 5, 1996.

We, the Study Commissioners of the Town of Pinesdale do hereby certify these are the dates of the election of the officers and the effective date of the alternative plan of local government of the Town of Pinesdale approved by the Study Commissioners of the Town of Pinesdale.

In testimony whereof, we set our hands.

Done at Hamletta this 8<sup>th</sup> day of 1996.

ATTEST:

Betty T. Lund  
CLERK & RECORDER  
OF  
RAVALLI COUNTY

Jane A. Lee  
Charles E. Wamankule  
Donald B. Gable

LOCAL GOVERNMENT STUDY COMMISSIONERS



Exhibit D

CERTIFICATE

ESTABLISHING THE OFFICIAL BALLOT FOR  
THE NOVEMBER 5, 1996 SPECIAL ELECTION

Instructions to voters: Place an "X" in the box which expresses your preference.

OFFICIAL BALLOT

BALLOT ON THE ALTERNATIVE FORM OF LOCAL GOVERNMENT

Vote for One.

☐ for adoption of the charter form (self-governing powers) and town meeting  
☐ type of government as proposed in the report of the Pinesdale Local  
Government Study Commission.

☐ For the existing form of government.

We, the Study Commissioners of the Town of  
Pinesdale do hereby certify this is the  
official ballot approved by the Local Study  
Commission of the Town of Pinesdale.

SEAL

ATTEST: Betty T. Lund  
CLERK & RECORDER  
OF  
RAVALLI COUNTY

In testimony whereof, we set our hands

[Signature]  
Charles E. Wuerker  
[Signature]

LOCAL GOVERNMENT STUDY COMMISSIONERS



Exhibit E

CERTIFICATE  
ESTABLISHING THE DATES OF THE  
ELECTION OF OFFICERS OF THE NEW GOVERNMENT  
OF THE TOWN OF PINESDALE  
IF THE ALTERNATIVE PROPOSAL IS APPROVED  
AND ESTABLISHING THE EFFECTIVE DATE OF  
THE PROPOSAL IF APPROVED

The date of the election for the officers of the new government of the Town of Pinesdale shall be held at the first town meeting on 1 March 1997.

The effective date of the alternative plan of local government of the local government of the Town of Pinesdale is the first town meeting to be held on 1 March 1997.

We, the Study Commissioners of the Town of Pinesdale do hereby certify these are the dates of the election of the officers and the effective date of the alternative plan of local government of the Town of Pinesdale approved by the Study Commissioners of the Town of Pinesdale.

In testimony whereof, we set our hands.

SEAL

Done at ~~Hampton~~ this 8<sup>th</sup> day of 1996.

ATTEST:

Petty T. Lund  
CLERK & RECORDER  
OF  
RAVALLI COUNTY

[Signature]  
Charles E. Emmert  
[Signature]

LOCAL GOVERNMENT STUDY COMMISSIONERS

